

## LA WORKERS' COMPENSATION SECOND INJURY BOARD

Meeting of October 6, 2016

The regular meeting of the Second Injury Board convened at 2:05 p.m.

The following were present:

1. Director Sheral Kellar, OWCA Director
2. Mr. Charles Hansberry, representing the Commissioner of Insurance, Chairman
3. Ms. Lynette Mack, representing the State Treasurer
4. Mr. Steve Hawkland, representing the Secretary of State
5. Karl Scott, General Counsel
6. Meridith Trahan, General Counsel
7. Michelle Sumrall, SIB Compliance Supervisor
8. Shaneka Davis, Recording Secretary

Mr. Hansberry called the meeting to order and began with *Item 1* on the agenda, being the reading of the minutes from the previous meeting. Mr. Hawkland moved to dispense with the reading of the minutes and approve the minutes as printed and distributed. The motion was seconded by Ms. Mack and passed unanimously.

Mr. Hansberry moved to *Item 2* on the agenda for hearings. No hearings were scheduled so the Chairman moved to *Item 3*.

*Item 3* on the agenda lists (10) claims where recommendations were made for payment starting with Claim #15-0002 and ending with Claim #16-0320. The motion was made by Ms. Mack, seconded by Mr. Hawkland and passed unanimously.

1.	15-0002	Pathway Management, Inc.	104 week deductible
2.	15-0287	Louisiana Restaurant Association	104 week deductible
3.	15-0322	Louisiana Auto Dealers Association	104 week deductible
4.	15-0514	Jefferson Parish School Board	104 week deductible
5.	15-0593	City of Baton Rouge, East Baton Rouge Parish	104 week deductible
6.	15-0633	Stonetrust Commercial Insurance Company	104 week deductible
7.	15-0818	Louisiana Municipal Risk Management Agency	104 week deductible
8.	15-0861	LUBA Casualty Insurance Company	104 week deductible
9.	16-0176	Hartford Accident & Indemnity	104 week deductible
10.	16-0320	City of New Orleans	104 week deductible

The Chairman moved to *Item 4* on the agenda, being the recommendation of staff to deny reimbursement for the following (55) claims; beginning with Claim #15-0131 and ending with Claim #16-0542. Line 2, Claim #15-0210 and line 48, Claim #16-0296 have been removed. The motion was made by Director Kellar, seconded by Ms. Mack and passed unanimously.

1. 15-0131 St. Tammany Parish School Board
- ~~2. 15-0210 Zurich American Insurance Company Postpone~~
3. 15-0211 Louisiana Workers' Compensation Corporation
4. 15-0454 LUBA Casualty Insurance Company
5. 15-0541 Louisiana Workers' Compensation Corporation
6. 15-0569 Louisiana Auto Dealers Association
7. 15-0592 City of New Orleans
8. 15-0612 Zurich American Insurance Company
9. 15-0649 Lafourche Parish School Board
10. 15-0685 Louisiana Workers' Compensation Corporation
11. 15-0687 Ace American Insurance Company
12. 15-0702 St. Landry Parish School Board
13. 15-0723 Louisiana Office of Risk Management
14. 15-0762 Louisiana Office of Risk Management
15. 15-0791 New Hampshire Insurance Company
16. 15-0821 Office of Risk Management
17. 15-0839 Louisiana Office of Risk Management
18. 15-0840 Unverified
19. 15-0843 Louisiana Office of Risk Management
20. 15-0864 Lafayette Parish School Board
21. 15-0876 American Home-National Union (AIG)
22. 15-0879 New Hampshire Insurance Company
23. 15-0885 Louisiana Construction & Industry – SIF
24. 15-0888 Christus Schumpert Highland Hospital
25. 16-0019 St. Martin Parish School Board
26. 16-0030 Midwest Employers Casualty Company
27. 16-0031 Louisiana Office of Risk Management
28. 16-0041 Lafayette Parish School Board
29. 16-0049 Louisiana Office of Risk Management
30. 16-0051 Unverified
31. 16-0053 Lafayette Parish School Board
32. 16-0055 St. Tammany Parish School Board
33. 16-0096 Louisiana Workers' Compensation Corporation
34. 16-0114 Unverified
35. 16-0128 New Hampshire Insurance Company
36. 16-0141 Louisiana Workers' Compensation Corporation
37. 16-0153 Travelers Property Casualty Company of America
38. 16-0156 Unverified
39. 16-0165 New Hampshire Insurance Company
40. 16-0167 Louisiana Office of Risk Management
41. 16-0173 Louisiana Workers' Compensation Corporation
42. 16-0174 Unverified
43. 16-0188 LUBA Casualty Insurance Company
44. 16-0206 Louisiana Hospital Association
45. 16-0224 Nationwide Agribusiness Insurance Company
46. 16-0240 Zurich American Insurance Company
47. 16-0286 Nationwide Agribusiness Insurance Company
- ~~48. 16-0296 Zurich American Insurance Company Postpone~~

49. 16-0325 LA Home Builders Association – SIF
50. 16-0351 Zurich American Insurance Company
51. 16-0386 Opelousas General Health System
52. 16-0403 Louisiana Office of Risk Management
53. 16-0416 LA Health Care – SIF
54. 16-0453 Louisiana Office of Risk Management
55. 16-0542 Louisiana Workers' Compensation Corporation

The Chairman moved to *Item 5* on the agenda, being the recommendation to approve reimbursement of (228) partial payments beginning with Claim #85-0271 and ending with Claim #15-0351. The Chairman asked for a motion to accept the recommendation and approve reimbursement of the partial payments as submitted on the agenda of October 6, 2016. The motion was made by Mr. Hawkland, seconded by Director Kellar, and passed unanimously.

The Chairman moved to *Item 6* on the agenda, being the recommendation to approve (84) quarterly payments due beginning with Claim #88-0204 and ending with Claim #15-0201. Ms. Mack moved to accept the recommendation of staff and approve reimbursement of quarterly payments as submitted on the agenda of October 6, 2016. The motion was seconded by Mr. Hawkland and passed unanimously.

The Chairman moved to *Item 7*, Public Comment. No one from the public was present and the Chairman moved to *Item 8* on the agenda. Mr. Hawkland made a motion to go into Executive Session to discuss Second Injury Board litigation and settlements. Director Kellar seconded the motion and it was passed unanimously.

Upon returning from Executive Session, the Chairman moved to *Item 8a* of the agenda, being settlement recommendations on (15) claims. The Chairman requested a motion to approve the recommendations of the Director regarding settlement authority as discussed in Executive Session and to extend settlement authority to be reimbursed on quarterly basis for the following claims:

1. 05-0024
2. 08-0039
3. 10-0046 Indemnity Only
4. 10-0409
5. 11-0921
6. 12-0446
7. 13-0940
8. 14-0093
9. 14-0614
10. 15-0215

11. 15-0575
12. 15-0737
13. 15-0868

Mr. Hawkland moved to accept the recommendation. The motion was seconded by Ms. Mack and passed unanimously.

The following (2) claims were recommended for settlement denial and to continue to be paid on an on-going basis:

1. 10-0942
2. 11-0541

Ms. Mack moved to accept the recommendation. It was seconded by Mr. Hawkland and passed unanimously.

The Chairman moved to *Item 8b* of the agenda, being Second Injury Board litigation. The Chairman asked for a motion to grant authority to legal counsel as discussed in Executive Session, to represent the Board in the following manner:

1. Claim #12-1009 Settlement Authority
2. Claim #12-1025 Settlement Authority
3. Claim #14-0051 Settlement Authority
4. Claim #14-0838 Continued Litigation
5. Claim #14-0840 Continued Litigation
6. Claim #15-0162 Settlement Authority
7. Claim #15-0238 Continued Litigation
8. Claim #15-0272 Settlement Authority
9. Claim #15-0370 Settlement Authority
10. Claim #15-0736 Continued Litigation

Director Kellar moved to accept the recommendation. The motion was seconded by Ms. Mack and passed unanimously.

There being no further business to discuss, the Chairman asked for a motion to adjourn. Ms. Mack moved to adjourn. The motion was seconded by Director Kellar and passed unanimously.

The meeting was adjourned at 2:30pm

Recording Secretary: Shaneka Davis